

P L A N N I N G C O M M I S S I O N

ACTION MINUTES

TUESDAY, APRIL 19, 2005

Chair Parsons called the meeting to order at 7:02 p.m. at the Twin Pines Senior and Community Center.

1. ROLL CALL:

Present, Commissioners: Parsons, Dickenson, Frautschi, Gibson,
Wozniak, Horton

Absent, Commissioners: Long

Present, Staff: Community Development Director Ewing
(CDD), Principal Planner de Melo (PP), Associate Planner Swan (AP), Zoning
City Attorney Zafferano (CA), Recording Secretary Flores (RS)

2. AGENDA AMENDMENTS: None

3. COMMUNITY FORUM (Public Comments):

Debbie Norton, Robin Whipple Way, read a statement expressing her unhappiness with what she felt is Notre Dame High School's arrogance toward the neighborhood, particularly since she and other neighbors who live more than 300' from the site were not notified in a timely manner of a meeting held on April 18th. She added that the school knew how the neighbors felt about the blight on the Notre Dame corridor, and felt that they need to have a long-range plan in place to improve and maintain the corridor. She asked the Planning Commission to encourage Notre Dame to act in good faith and to include the neighborhood in the process.

Chair Parsons noted that three of the Commissioners attended the meeting and Notre Dame is going to extend the notification process of future meetings to 500 feet, try to get the people who signed the petition on the notification list, hold the next meeting at a more reasonable hour (7 p.m.), and give more advance notice. He agreed to tell her what was discussed at the meeting at a later time.

4. CONSENT CALENDAR:

4A. Resolution and Conditions of Approval for a Variance at 2702 Monte Cresta Drive. (Continued to May 3, 2005).

4B. Resolution and Conditions of Approval for a Single Family Design Review at 2702 Monte Cresta Drive. (Continued to May 3, 2005).

PP de Melo stated that items 4A and 4B were continued until they have a full Commission present, since the vote approving the Variance at the April 5, 2005 hearing was 4/3.

4C. Minutes of March 15, 2005 Planning Commission Meeting

MOTON: By VC Dickenson, seconded by C Frautschi, to accept the Action Minutes for Tuesday, March 15, 2005, as presented.

yes: Dickenson, Frautschi, Gibson, Wozniak, Parsons

Noes: None

Abstain: Horton

Absent: Long

Motion passed 5/0/1/1

5. PUBLIC HEARINGS:

5A. PUBLIC HEARING - 1810 Mezes Avenue

To consider a Single Family Design Review, Variance, and Floor Area Exception to construct a 1,692 square foot addition to the existing single-family residence. Total resulting floor area for the dwelling is 2,826 square feet, which exceeds the zoning district permitted 2,168 square feet for the site.

(Appl. No. 2004-0050); APN: 044-102-290; Zoned: R-1B (Single Family Residential)

CEQA Status: Recommended Categorical Exemption per Section 15301

Applicant/Owner: Artin & Agavni Hamamciyan

AP Swan summarized the staff report, recommending approval, adding that three areas were identified as "close call" recommendations.

C Frautschi commented that he had asked the City's arborist to explain the meaning of the term "lyon tailed" in an oak tree, and asked staff to follow up and provide the explanation to all Commissioners. AC Swan agreed to research the term.

Referring to Page 2 of the Arborist's Review, item 5, Mr. Frautschi asked if the deep root fertilization was done in the summer of 2004 as recommended by the Mayne Tree Expert Company, and, if so, by whom and he asked to see proof. He also wanted to know if the waste concrete referred to on page 4, item 8, had been removed from the base of Oak #2. AP Swan deferred the latter two questions to the applicant.

Referring to the Staff Report, C Wozniak asked for clarification of item 4.2.10.E.1 regarding Administrative Floor Area Exceptions as it did not seem to her that the administrative floor area exception fits in this case. CDD Ewing explained that they work with the idea that they could have added up to the full amount and could have done that over the counter. In other words, the applicant could have come in with an addition and received over-the-counter approval for an addition up to the maximum amount, and then come back in for another 100 square feet through this section. C Horton, C Gibson and Chair Parsons agreed that it seemed like it should fall under a different exception and Chair Parsons asked the City Attorney to look into the question..

Staff responded to C Horton's request for clarification of the way the setbacks of the main dwelling and the garage were presented in the staff report.

AP Swan responded to Chair Parsons' questions as follows:

- The plans are redlined to show that the intention is to reduce the head height of the shed, but the applicant should be asked how it is going to be done.
- The concrete stairs to the lower part are going to be reconfigured so that they do not encroach on the City's right-of-way. The applicant was confident that it could be done.
- The front portion of the garage has a sloped roof beyond which there is a flat portion that from grade looks as though it is dirt, beyond which is an elevator tower.
- The provided information on the elevator tower includes an outline of the structure but not architectural details.

Artin Hamamciyan, owner/applicant, responded to questions from the Commission as follows:

- The reason the roof on the back of the garage is flat is to continue with the same topography.
- The elevator will be of the hydraulic type, which will be on the bottom and will shoot it up and down. The equipment and the storage area would be within the garage – it would not project above the ground.
- The elevator will be a regular shaft, 4-people elevator and the outside of the elevator shaft will match the garage and the building design.
- He is not replacing any stairs but will continuing the stairs to where the elevator comes off – the stairs stay just the way they are and will not be attached to the retaining wall. The elevator does not require any kind of a retaining wall.
- The floor height in the shed will be reduced by putting in a new ceiling and bringing everything down.
- There are currently 60 steps to get to the house; with the elevator there will be 7 or 8.
- The deep root fertilization of Trees No. 1, 2, and 3 has not been done. When he called his arborist three months previously he was advised to wait until the beginning of May because that is the right time to do it. His intention from the beginning has been to save the trees and that is why he hired a company and has taken their recommendations.
- Regarding the concrete waste around Oak No. 2, he did not know what the City's arborist was referring to.
- It is impossible to put the garage deeper into the hillside, and he does not have a 2-car garage because of the location of the trees. He could include a 2-car garage if the City wants him to remove a tree, but he would not be happy about that.
- Regarding the possibility of excavating for a small parking pad to the left of Tree No.1, he said he had thought of that but was told by staff it would require more Variances. Due to his poor health and age, he was hoping to gain approval for the project at this meeting so that it can be completed this year.
- The right side of the garage is at the property line but he will make sure that the eave will not project into the neighbor's property.

- The concrete retaining wall in the front of the house will be faced with stone, matching what is currently there.

Chair Parsons opened the public hearing.

The following neighbors spoke in support of the project, and urged the Commission to approve it as soon as possible:

Robert Cissna, Mezes Avenue

Bob Cissna, Sr., Mezes Avenue

Roger Severin, Mezes Avenue

MOTION: By C Gibson, seconded by C Frautschi, to close the public hearing. Motion passed.

Responding to questions from C Frautschi, staff stated that this project has not been before the Planning Commission in the past, though a previous owner had made an application that was later withdrawn, and that Zoning Ordinance Section 9.6.2 was not applicable to this project because it deals with non-conforming uses, not the structure.

Comments from the Commission were as follows:

C Gibson

- Needs to see the front elevation and what the elevator shaft looks like.
- Needs to see a garage where the eave does not project into the neighbor's property, as it appears to on sheet A8.
- Questioned why the garage needs to be twice as tall and wide as the existing garage yet is still a one-car garage.
- Questioned why the roof could not slope front to back and at least partially hide the elevator shaft.

C Horton:

- Also wondered why the garage is as tall as it is, but added that if it is hiding the elevator, maybe that is a good thing.
- Not sure the large garage and shed are both needed.
- Would like to see what the elevator shaft looks like in the middle of the woods.

C Frautschi:

- Regarding Variance (c), he did not feel that security was a viable issue as a justification in this particular circumstance.
- Regarding Variance (d), he felt that this is a substandard lot and that when you start giving a lot of Variances and a lot of floor area exceptions it is nothing more than granting of a special privilege.
- Regarding Variance (e), he felt that the setback disparities of this substandard lot will actually be increased and the codes tell them as Planning Commissioners they cannot do that.
- Regarding the Single-Family Design Review, the FAR is excessive and he felt that if a property is at the allowed square footage, he is sometimes willing to go along with increasing it if the disparity does not increase things like setback, but in this situation it does and it becomes a problem.
- He agreed with staff calling certain things “close calls.” In addition to the issue of increasing the discrepancy on the left setback that currently exists, one of the justifications used by staff is that Public Works identified no concerns for safety. He could not remember Public Works ever identifying any safety issue with a project.
- Design Review E was questionable. With the introduction of a 4.6 side setback, this part of the property was conforming and by adding the elevator and whatever is involved in that they are going into the setback and creating a further disparity.
- Under Design Review F, the landscape plan in the report calls for additional screening and plantings for such things as the garage, the shed, the raised footpaths and the piers of the second-story deck.
- Item H of the Design Review begs the issue. It is saying that it complies but it really does not comply because Section 22, encroachment standards, applies here and if you are messing with the garage then you can look at anything—it’s all up for grabs.
- He pointed out that staff gave the applicant certain suggestions that would reduce the bulk and he chose not to do that.
- His tendency was to deny the Variance and the Single-Family Design Review, however, he said he would consider continuation of the design application if the applicant and the Commission so desired.

C Wozniak:

- Appreciated and understood the need for an elevator.
- Would like to see the garage set back a little bit—felt they could do something to keep it right off the street. She pointed out that these issues are not just issues with the current residents, they are issues of a house that is going to be in Belmont for many years, and once you do it there is no turning back.

- She had never seen a project with so many Variances; it is not a simple project and it not an easy thing to analyze. She believed that each Commissioner had been to the project and seen the site.
- She did not think she could approve the application—would like to see some redesign work done, especially on the garage and the side and front setbacks.

Chair Parsons:

- Felt that repairing the garage or building a new garage needs to be done and could understand the need for an elevator.
- The design did not seem to take into consideration the property line with the roof line. Felt it would make more sense in the design to consider moving the elevator more toward the center of the property on one side of the garage. That would get the walks and stairs away from the property line and reduce some of the Variance issues and it could also then be turned into some kind of a design that ties to the garage better.
- Concerned about repairs and work planned on the stairs down along the road; if they excavate any walls to replace them along the property line or along the stairs in the garage the trees will be impacted.
- Cutting back the garage size and reducing the need for so much of a Variance and pulling it away from the property line a foot or two would help.
- Believed the bulk of the house could be reduced by making floor levels the same on each floor and reduce the number of stairs inside the house. It looked to him from the drawings that there are 15 stairs from the top of the elevator up to the front of the first floor of the house, so there are some issues there that don't quite jibe.
- Concluded that he felt the square footage needs to be cut down, the garage issue needs to be reduced, he could probably go with some of the other Variances, would want to see a more detailed landscape plan, would want to see some elevations and a redesign of the garage and the stairway.

MOTION: By C Gibson, seconded by VC Dickenson, that the project be continued for redesign to the June 7, 2005 Planning Commission meeting. (Appl. 2004-0050)

Responding to VC Dickenson's request that staff review the issues raised by the Commission, AP Swan summarized her notes as follows:

- Increase the landscaping
- Reduce building size to match floor area ratio
- Reduce interior room heights

- Front wall and step work to be clarified
- Design change to move elevator towards the center of the property and corner of the garage
- Increase setback from the street
- Concern with the number of variances; would work with the applicant for redesign in order to decrease the number of Variances
- Duplicate request for additional landscaping and reduction of discrepancies with the proposal as well as floor area ratio
- Some specific feedback on which findings there were concerns about
- Clarification for the finish of the exterior of the elevator shaft
- Concern with the height of the garage and size of the garage as well as the nature of the shed
- Sloping the garage roof to the back along the contour of the slope rather than a hip
- Request for elevations for the front and side of the garage, to clarify the height of the garage and the elevators
- Eave overhanging on the property line

CDD Ewing added that the message staff is going to take to the applicant is that they are dealing with 60 square feet, and there's the possibility of pushing the front of the garage back and still have adequate depth of the garage that also could eliminate floor area as well as increase in street setback. They will look at the shed as well and look at some tradeoffs as to how they might address either of those. He thought they could synthesize that into some focus on garage elevation and perhaps the location of the elevator, the shed, and total floor area, and will ask the applicant to look at the bulk issue of the house, landscaping in the front yard and protection of the trees around the new steps. Chair Parsons concurred, and suggested that they might also want to have some overhang around the elevator so that they didn't step out into the rain.

Mr. Hamamciyan engaged Chair Parsons in a discussion about the proposed redesign, and expressed his disappointment in the decision to delay the project.

Ayes: Gibson, Dickenson, Horton, Wozniak, Parsons

Noes: Frautschi

Absent: Long

Motion passed 5/1/1

5B. PUBLIC HEARING – 3317 Adelaide Way

To consider a Conditional Use Permit and Single Family Design Review to construct a detached 627 square foot secondary dwelling unit for the existing single family residence, resulting in a total of 3,479 square feet, that is below the zoning district permitted 3,500 square feet for this site.

(Appl. No. 2004-0081) APN: 043-331-420; Zoned: R-1B (Single Family Residential)

CEQA Status: Recommended Categorical Exemption per Section 15301

Applicant/Owner: Rick Louie

PP de Melo summarized the staff report, recommending approval subject to the conditions of approval attached to the draft resolution, and answered questions from the Commission.

Chair Parsons opened the public hearing. No one came forward to speak.

MOTION: By C Frautschi, seconded by VC Dickenson, to close the public hearing. Motion passed.

Commissioners thanked Mr. Louie for bringing a good project to the Commission and for the thorough neighborhood outreach.

Chair Parsons stated that his one concern is that one door butts right up against the easement, and if the easement is ever used to create a driveway or road for the property to the rear there could possibly be a door that steps right out into a driveway. He suggested that there is adequate room on the site to push the unit away from the easement a few more feet. He asked staff if the brick wall that encroaches into the City right-of-way across the

front has that been permitted. PP de Melo will do a more thorough search of the files and if there are any illegalities associated with the project they can be addressed as part of the code compliance issue for the project. Chair Parsons also recommend that a more detailed landscape plan be required.

MOTION: By C Frautschi, seconded by VC Dickenson, approving a Conditional Use Permit and Single Family Design Review at 3317 Adelaide Way, with appended Exhibit A, Conditions of Project Approval, with the added conditions that 1) the exterior structural wall of the secondary unit be relocated a total of ten feet from the easement, and 2) a detailed landscape plan be returned to the Planning Commission for approval prior to the issuance of building permits. (Appl. 2004-0081)

C Frautschi pointed out that the property does not contain any native Oak trees and suggested that the applicant think about including them in the landscape plan as they do well in Belmont.

Ayes: Frautschi, Dickenson, Gibson, Horton, Wozniak, Parsons

Noes: None

Absent: Long

Motion passed 6/0/1

Chair Parsons noted that the item may be appealed to the City Council within 10 days.

Chair Parsons declared a recess at 8:35 p.m. Meeting resumed at 8:45 p.m.

5C. PUBLIC HEARING – 1301 Ralston Avenue

To consider a Mitigated Negative Declaration, General Plan Amendment, Conceptual Development Plan Amendment, and Vesting Tentative Subdivision Map to allow development of Ralston Village Phase II, a Senior Congregate Care community within the 17.1-acre project site. Phase I consists of an existing 45,000 sq. ft. dementia care facility located on the eastern 8.6 acre portion of the site. The Phase II development consists of a 141,357 sq. ft. building containing 55 independent living residential units for seniors, and common areas within the building that provide recreational, dining, library, and health services. Proposed parking for the new building consists of 90 spaces: 63 within a below-grade level garage, and 27

uncovered spaces. The Phase II development would be located on the western 8.5-acre portion of the subject site.

(Appl. No. 2002-0017)

APN: 045-190-030 & 040, 045-170-010; Zoned: PD (Planned Development)

CEQA Status: Mitigated Negative Declaration

Applicant: Bradford Liebman

Owner: Pami PCC I Inc.

C Horton recused herself from the discussion and left the room as she lives within 300' of the subject site.

PP de Melo summarized the staff report, noting that this is a complex project and that staff did not make a recommendation for the project at this time. The purpose of this first meeting was to present project information, take public testimony, and gather Commission questions.

C Frautschi read a list of questions he had prepared for staff.

PP de Melo stated that staff will reserve the right to answer these questions fully as part of a written response.

C Gibson stated that C Frautschi has covered many of his questions but reserved the right to add to the list at a later time.

Brad Leibman, applicant, introduced himself and thanked PP de Melo and staff for their "Herculean" job of preparing the staff report as presented, and thanked the neighbors who opened doors to him and gave him comments and directions on how to frame the proposal. He gave the background of the Ralston Village community, and introduced his development partner, Joel Roos of Pacific Union Development Company.

Joel Roos introduced himself and some of his team members, David Gates, Landscape Architect, Charles Humpel of BKF Civil Engineers, Candace Hathaway, Community Relations Consultant, and Paul Gordon, Health Care Consultant. Mr. Roos also thanked staff for the impressive comprehensive report, and described the history and evolution of the project. He introduced Mr. Gordon, an authority on senior housing, having asked him to speak on the subject of health and medical care as it relates to what they believed to be the intent of the General Plan language.

Mr. Gordon spoke about putting into context how these kinds of projects, which are becoming more and more prevalent in the field of senior housing and care facilities, fit into the General Plan that Belmont adopted in 1982. He agreed with PP de Melo that the proposed amendment to the General Plan would be a refinement of the existing language, not really a change of the existing language. He pointed out that the words "institution" or "institutional" are obsolete; the trends are away from an institutional kind of environment towards a home and community-based services and care approach, away from a medically based type of model and more towards a residentially based way of accessing services and care. Also, the movement is going away from having all the services bundled in a big package, take it or leave it, one price and you get all of it whether you need it or not, to more of an ala carte pay as you go and choose only those services that you need kind of a scenario. He referred to Section 2052.3 that is mentioned on page 28 of the staff report and reads "residential institutional uses (e.g. nursing homes and other care facilities)," and felt that this Plan Amendment that is being proposed is a refinement to make it clear that other care facilities can include and ought to include the kinds of things that people are doing now—more of a residential model with services brought in on an ala carte, as-needed basis. He added that the 1990 ADA and the 1989 Fair Housing Disability regulations have all had a tendency to support the idea that a senior can stay where they are and bring the services in, and this proposal supports that idea. He referred to it as more of a care coordination model than a strictly institutional type of an approach.

C Wozniak asked if there is an official standard for a health-related maintenance program for congregate care facilities. Mr. Gordon's response was there is not a licensure standard because this will be an unlicensed facility; however, physicians, nurses or health care workers who could come in on an as-needed basis from the adjacent licensed assisted living facility will have individual professional licenses. There is no standard for the building when there is no standard for a minimum number of staff in terms of delivery of health care, but the program would have government oversight of the people who are involved in the service delivery. It is a home- and community-based service delivery approach as opposed to licensing an institution.

_ Frautschi asked to receive a copy of the Crown Research project that was mentioned in the report. Mr. Roos said that it has some interesting demographic data and does not pertain directly to this project, but that he would happy to provide it.

Responding to C Dickenson's question, Mr. Gordon said it is his understanding that Phase I is a licensed residential care facility and there is

no proposal to change that at all; the service level and licensing and competency of the staff that is currently on site would not be changing. He believed that one of the services that would be offered would be care coordination, so that if someone needed assistance in accessing an outside caregiver there would be somebody to help coordinate the delivery of care.

Mr. Roos confirmed for Mr. Gibson that this is going to be a condominium development with a large staff who will be employees of the condo association, and that the 55 condo owners will have joint ownership of the 20,000-sq.ft. common area. He stated that the development of the CC&Rs will need to happen up front and in concert with the marketing effort and will be part and parcel with the design and construction of the project. To explain the distinction between Congregate Care and Assisted Living, Mr. Gordon stated that this is a problem even nationally; it has to do with the fact that there is no federal law like there is for nursing facilities. He went on to explain that in California there is a licensure category called "residential care facility for the elderly," which is how Phase I is licensed and generically in the United States is called Assisted Living. Congregate Housing or Congregate Care is generally an unlicensed facility but is distinguished from senior housing, senior apartments or age-restricted residential communities like a Sun City or Rossmore which really have no service component—they are primarily just housing and exterior grounds maintenance and that sort of thing. This project is different because it has congregate facilities, meaning basically facilities where people can congregate—they have co-ownership, they have service areas that they can congregate in. The project is engaged in a business that is other than just housing. There's a service component and people go there because of the availability of the service component. They may not need it the day they move in, they may not ever need it, but the predominant reason they are going there is to have that care and those services available to them. He added that there is a lot of case law around the country where courts have recognized that, because of the service component in communities like this and the predominance of the services over just the shelter component, a lot of zoning laws, landlord/tenant laws and various other things are inapplicable, and courts have determined that they're inapplicable because of this predominance of the services over the housing.

C Gibson asked if this is the way the Peninsula Regent works. Mr. Roos responded that the Peninsula Regent is a true Continuing Care Retirement Community (CCRC) and is a licensed facility with assisted living built into the facility and a higher oversight of medical care. He pointed out that it is their experience that even with Peninsula Regent, things are trending less towards the CCRC model and more towards what Mr. Gordon is describing as this hybrid model. C Gibson asked if the Peninsula Regent residents own the

whole works through a condo association as they would here. Mr. Roos responded that there is a little different management oversight—Bridge Housing has a leasehold interest in the property and manages the site day to day, but the homeowners do have voting rights.

C Frautschi asked what the difference is between Congregate Housing and Board and Care Homes. Mr. Gordon responded that Board and Care Homes generally are residential care facilities for the elderly and the difference is that, historically, residential care facilities for the elderly were almost all Board and Care Homes, which means homes that they look a lot like single-family residences that have maybe 6 to 10 residents operated by a single provider. In California, Board and Care Homes tend to be licensed the same way and there are different standards based on the number of occupants and whether there are more or less than 6 residents. The licensure is the same but they are very different operationally.

C Wozniak asked the following questions:

- Regarding the extended care facility on Ralston at 5th Avenues (the Sisters), what are the number of units, number of residents and the number of parking spaces, and what are the age and health requirements to get into that facility?
- What would the current parking standard be for a condo or apartment development with 55 units?
- Why did the applicant decide to request a Vesting Tentative Subdivision Map and is it essential to this project?
- When was the abandoned storm drain easement abandoned?
- What was the total number of residents of the Alexander Sanitarium and what was the ratio of autos to people at that time?
- Requested the details of the positive feedback from the neighborhood meeting in 2003.
- What part of the 16-acre site was used by the Alexander Sanitarium?
- What portion of the site had hardscape on it?
- There is a 1980's traffic improvement study of Ralston and Sixth Avenues that may or may not be relevant to this application.
- Does one health services office on-site constitute medical supervision?
- How is the density of population compatible with the adjoining residential areas?
- How does the size of Phase II reflect the nature of the adjacent residential community?
- More detail on how a 3-story, 55-unit condo development preserves and enhances the character of the surrounding residential neighborhood?
- What are the criteria for purchase? I.e., are there any health criteria in addition to age 60?
- Are there any limitations on the number of residents in each unit?
- Would the residents have to be related?

- Why are we reducing the number of parking spaces for Phase I from 88 to 52?
- What are some comparable congregate care facilities for age 60 and above, and how many parking spaces do they have per resident?

C Gibson asked about orientation of the garage plan in Figure 5 in the Initial Study and was informed that when the original plans were turned 120 degrees the full size plans were not corrected.

C Gibson asked if Public Works inspects the 96" pipe regularly, and would like to know that it is in good shape before they build a building over it and start excavating next to it. CDD Ewing said that they might ask Public Works to come to the next meeting to discuss that concern.

Chair Parsons asked if the engineers were able to have the site released from the 100-year flood plane because of the adequacy of the 96" storm drain. Chuck Hupple, BKF Engineers, responded that they went through the full hydrological study and FEMA application, and submitted the proper documentation to FEMA, and they now have the flood plane map revised to reflect that this site is no longer within the 100-year flood plane. Staff will provide a copy of the FEMA letter confirming this action. It was noted that all they had to do was document an existing condition and the release is on file at Public Works.

Chair Parsons drew attention to the major traffic problem on Ralston Avenue, noting that midway between the applicant's two entrances are the entrances to the College of Notre Dame and the side streets to the high school. He asked if they had studied the feasibility of moving their main entrance and closing the new one. Mr. Roos responded that they had taken a look at that, noting that it would be on the bend in the road, so would require some kind of traffic signal. In addition, the building is well screened from Ralston Avenue and were they to create an entry at that location the 10' grade change would have a very significant impact and would wipe out quite a few specimen trees.

Chair Parsons opened the public hearing and asked that speakers keep their comments to three minutes.

Risa Horowitz, Ralston Avenue, was glad to see that the project had been scaled back significantly, but she has concerns about the safety of the proposed new entrance, and felt that Ralston Village had not kept any of their promises regarding upgrading and maintaining existing landscaping. She would like to see land improvements before the project

begins to help shield the construction site from public view, and felt that agreements to maintain grounds should be a condition for approval and should be guaranteed by a performance bond. In addition, she stated that Ralston Village is no longer adjusting their staff's daily arrival and departure times from the regular rush hours as had originally been promised.

Chuck Horton, Chula Vista, stated that the rear of his property is directly adjoining the subject property. He stated that he was enthusiastically in favor of the project and felt that the applicant had addressed his earlier concerns regarding size, engineering of the culvert, and traffic. He pointed out that the units should generate between \$300,000 and \$400,000 property tax revenue. Two minor things he would be interested in seeing changed would be: 1) the apron around the pool house might be a little too close to his property; and 2) the culvert benefits the owner of Ralston Village, not the City of Belmont, and should be maintained totally by Ralston Village, not by the City.

Jackie Horton, Chula Vista, thanked the owners of the property for working with her and the McDougal Neighborhood Association over the past four years and concurred with the previous speaker on the two issues he mentioned. She felt that in an R1H zone where you are required to have a 30' setback, the neighboring property that has a larger structure should have the same setback requirement. She also felt that access to the culvert is critical and it needs to be cleaned out periodically from that property. She feels it would be to the benefit of the property owner to do it themselves and that should be considered. She mentioned also that it is an attractive nuisance to parks and rec kids and truant students.

Sam Horowitz, Ralston Avenue, said that he had been in favor of the project in the past but was happy now that his neighbors had mobilized to raise concerns about the original project. He felt that the study session on-site where the story poles were in place was perhaps a lesson that should be taken forward for all such projects. He was encouraged by a comment by Joel Roos at an outreach meeting regarding the possibility of a pedestrian path from the western entrance to the site to a trail that would connect into Twin Pines Park. He would support this as a friendly alternative to the sidewalk on Ralston and would look for that to be a condition of granting the project if it is feasible. He was happy to see that the applicant had listened and responded to the neighborhood concerns and that the Planning Commission refused to proceed until the neighborhood concerns were addressed.

MOTION: By C Frautschi, seconded by C Parson, to continue the public hearing to date uncertain. (Appl. 2002-0017)

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|----------------|-----------------|---|
| Parsons | Ayes: | Frautschi, Dickenson, Wozniak, Gibson, |
| | Noes: | None |
| | Recused: | Horton |
| | Absent: | Long |

Motion passed 5/0/1/1

CDD Ewing asked Commissioners to send staff an email identifying for the record any contacts and visits they made to the site over the past 12 months.

6. REPORTS, STUDIES, UPDATES AND COMMENTS

6A. Safeway Code Compliance update – 1100 El Camino Real.

PP de Melo said that he spoke to the project applicants that day and they expect the parking lot landscaping to be installed within the next two weeks. The clock tower elevations are all working, he has not noticed any significant issues in terms of cart retrieval, though he saw one a half mile from the site. He will continue to remind them to patrol but there are going to be times when carts end up in the far reaches of the City of Belmont.

CDD Ewing reported as follows:

- The Permit Efficiency Task Force next meets on Wednesday, May 11th.
- He will be sending an interim report to the City Council on the Noise Ordinance on May 24th.
- City offices will be moving the next week, with the Permit Center moving from the second floor to the new first floor lobby and the third floor Community Development Department moving to temporary quarters also on the third floor. The City Hall offices will be closed at noon on Thursday, April 28, and Friday, April 29, and reopen on Monday, May 2. That will begin Phase II, which includes some remodeling of the third floor offices for Community Development and that should conclude at the end of June.

Chair Parsons mentioned that he had come across an item on a Mitigated Negative Dec for the Monte Cresta Road Extension project and asked that the item be brought before the Commission. PP de Melo stated that the Planning Commission is the recommending body for this kind of an action and will have it on their agenda before it goes to City Council. It is for a 102' extension off the terminus of the existing road.

For the information of the other Commissioners, C Wozniak quoted from an article in the Examiner Daily Newspaper regarding a landslide in the Cuesta LaHonda subdivision where a home on Scenic Drive had been yellow tagged as too dangerous to occupy.

**7. PLANNING COMMISSION LIAISON TO CITY COUNCIL
MEETING OF TUESDAY,**

APRIL 26, 2005

Liaison: Commissioner Gibson

Alternate Liaison: Commissioner Frautschi

8. ADJOURNMENT:

The meeting adjourned at 10:00 p.m. to a regular meeting on Tuesday, May 3, 2005 at 7:00 p.m. at Twin Pines Senior and Community Center.

Craig A. Ewing, AICP

Planning Commission Secretary

Audiotapes of Planning Commission Meetings are available for review

in the Community Development Department

Please call (650) 595-7416 to schedule an appointment.